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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,711	11/18/2003	Tatsuya Sato	OOCL-145 (5HS-03S1535)	5435
26479	7590	10/18/2004	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/715,711	<b>Applicant(s)</b> SATO, TATSUYA	
	<b>Examiner</b> William B. Perkey	<b>Art Unit</b> 2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-12 is/are allowed.
- 6) ☒ Claim(s) 1, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-4, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/18/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shintani et al. (U.S. Patent No. 5,937,214).

Applicant's attention is directed to Fig. 16 of Shintani et al. and its written description. A blur mode setting section is represented by mode setting element 9; a blur detecting section is shown as elements 31A and 315 in Fig. 5; a blur calculating section is shown as 31C in Fig. 5; a blur judgment section is element 36, and a blur notification section is shown as A3 and A4 in Fig. 3; and the blur notification section starts a notification operation when the blur notification mode is set by the blur mode setting section as shown by steps 50-56 in Fig. 16. Thus, claim 1 is fully met by the reference.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al. (U.S. Patent No. 4,709,138) in view of Okano et al. (U.S. Patent No. 5,402,197).

Suda et al. discloses a blur detecting section as the sensor 12 shown in Fig. 7 and the step 11 in Fig. 8; a blur calculation section is represented by step 12 in Fig. 8; a blur judgment section is represented by step 13; a threshold value e2; a blur notification section is represented by 21 in Fig. 7; and a blur reducing function execution section is shown in Fig. 10 responding to the output a of the processor shown in Fig. 7. Thus, Suda et al. shows the claimed invention except for the blur judgment threshold value setting section changing the threshold value e2 in accordance with a judgment result of the camera operation state judgment section. Okano et al. in column 1 lines 32-39 discloses that a limit shutter speed at which excessive shake begins to occur is calculated based on the focal length of the lens. It would have been obvious to one of ordinary skill in the art, at the time of applicants invention, to provide the camera of Suda et al. with means to vary the threshold level e2 in accordance with the focal length of the zoom lens in order to obtain the desirable feature of providing the camera of Suda et al. with the highly desirable feature of variable magnification and shake free photographs.

#### *Allowable Subject Matter*

5. Claims 5-12 are allowed.
6. Claims 2-4, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Reasons for Allowance*

7. The primary reason for indication of patentability of dependent claims 2 and 3 is the claim 2 limitation that the notification of the blur state is stopped when the first release switch is operated. The primary reason for patentability of dependent claim 4 is the claim limitation that

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the notification content is caused to differ by changing a conformation of lighting of the LED before and after the operation of the first release switch. The primary reason for indication of allowability of claims 5-8 is the claim 5 limitation that the blur notification control section which controls to stop at least one of detection and notification of the blur state in the blur notification section when the operation of the operation switch is performed or when the elapsed time of the timer is judged in combination with a first release switch that instructs to shift to a shooting preparation operation of the camera and to stop operations of detection and notification of the blur state. The primary reason for indication of allowability of claims 9-12 is the claim 9 limitation that the blur detection section starts the blur detection operation after the second release switch is operated, and the shutter speed determination section changes the determined shutter speed based on a judgment result of the blur judgment section, the strobe light emission mode set by the strobe mode setting section and the strobe light emission necessity presence/absence information. The primary reason for indication of patentability of dependent claim 14 is the claim limitation that when the state of the camera is before start of exposure after a second release switch is turned on, the threshold value set in the blur judgment threshold value setting section is set to a lower value than when the current state is not detected. The primary reason for indication of patentability of claim 15 is the claim limitation that the blur reducing function execution section reduces photometrically calculated shutter speed set when a first release switch is turned on. Note that the shutter speed in the reference Suda et al., applied against claim 13 above, increases the shutter speed (not reduces as set forth by claim 15) when blur is judged above the threshold value e2.

**Telephone Numbers**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey  
Primary Examiner  
Art Unit 2851

WBP:wbp